

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

HB 1090 - SB 1061

February 14, 2023

SUMMARY OF BILL: Establishes that the educational justification exemption from certain obscenity laws does not apply if the obscene material is possessed by a person at a school building, bus, school campus, grounds, recreational area, athletic field, or other property owned, used, or operated by a local education agency.

FISCAL IMPACT:

NOT SIGNIFICANT

Assumptions:

- Tennessee Code Annotated § 39-17-902(c)(1)-(2) establishes that it is a Class A misdemeanor to knowingly produce, send or cause to be sent, or bring or cause to be brought, into this state for sale, distribution, exhibition or display, or in this state to prepare for distribution, publish, print, exhibit, distribute, or offer to distribute, or to possess with intent to distribute or to exhibit or offer to distribute any obscene matter or to do any of the aforementioned with any matter found legally obscene that violates the requirements of 18 U.S.C. 2257. The offense is enhanced to a Class E felony upon second or subsequent violation after a conviction.
- Pursuant to Tenn. Code Ann. § 39-17-901(e), it is an exception that the obscene material is possessed by a person having scientific, educational, governmental or other similar justification.
- Based on information provided by the Department of Correction, there have been zero admissions of the Class E felony offense of obscenity in the past 10 years.
- Based on information provided by the Administrative Office of the Courts, there have been an average of 1.8 Class A misdemeanor convictions for the offense of obscenity in each of the past 10 years.
- There will not be a sufficient change in the number of prosecutions for state or local government to experience any significant change in revenue or expenditures.

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CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The signature is written in a cursive, flowing style.

Krista Lee Carsner, Executive Director

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